

ASSEMBLY BILL

No. 1866

Introduced by Assembly Member Karnette

January 17, 2006

An act to add Chapter 6.5 (commencing with Section 42380) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1866, as introduced, Karnette. Recycling: polystyrene: state facilities.

Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria.

This bill would define terms and would prohibit a state facility from selling, possessing, or distributing a polystyrene food container on and after January 1, 2008. The bill would direct a state agency to require each prospective bidder, on and after January 1, 2008, to certify that it, and its agents, subsidiaries, partners, joint venturers and subcontractors for procurement, will not sell, possess, or distribute a polystyrene food container at a state facility.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 (commencing with Section 42380) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 6.5. POLYSTYRENE CONTAINERS

42380. For purposes of this chapter, the following definitions shall apply:

(a) “Polystyrene food container” means a rigid plastic packing container, as defined in Section 42301, that meets all of the following conditions:

(1) Polystyrene is the sole resin used to produce the rigid plastic packaging container.

(2) The container is required to be labeled with a “6” pursuant to subdivision (a) of Section 18015.

(3) The container is used, or is intended to be used, to contain food, as defined in Section 109935 of the Health and Safety Code.

(b) “State facility” means a facility owned or leased by a state agency, department, office, board, commission or bureau of state government, including, but not limited to, the campuses of the California State University, the University of California, and the California Community Colleges, prisons within the Department of Corrections, and facilities of the Department of Parks and Recreation.

42381. On and after January 1, 2008, a state facility shall not sell, possess, or distribute a polystyrene food container.

42382. On and after January 1, 2008, a request for proposal or a contract for food, food service, or food containers shall require the bidder or contractor to certify that it, and its agents, subsidiaries, partners, joint venturers and subcontractors for procurement, shall not sell, possess, or distribute a polystyrene food container at a state facility.

42383. This chapter shall apply to the campuses of the University of California only upon the approval of the Board of Regents of the University of California.

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